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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/620,021

07/15/2003

Jin Huai

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4195

33031 7590 10/23/2008  
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EXAMINER

MOUTAOUAKIL, MOUNIR

ART UNIT

PAPER NUMBER

2419

MAIL DATE

DELIVERY MODE

10/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/620,021	<b>Applicant(s)</b> HUAI ET AL.	
	<b>Examiner</b> MOUNIR MOUTAOUAKIL	<b>Art Unit</b> 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-19 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-19, and 27-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

The amendment filed on 07-15-2008 has been entered and considered.

Claims 13-19, and 27-29 are pending in this application.

Claims 1-12, and 20-26 are canceled.

Claims 13-19, and 27-29 remain rejected as discussed below.

### ***Claim Rejections - 35 USC § 103***

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13, 14, 16, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US 5,796,736) in view of Ceccon et al (US 4,660,141). Hereinafter referred to as Ceccon.

Regarding claims 13 and 27. In a dynamic system, Suzuki discloses a method for propagating information in a network comprising: automatically transmitting the index number using the interface (col.5, lines 1-20, each switch has a table with its port identifier and the neighboring ports identifiers, the system is a dynamic system); and transmitting the index number using at least one additional interface (col.5, lines 1-20, each switch has a table with its port identifier and the neighboring ports identifier), wherein the interface and the one additional interface are interfaces among a plurality of interfaces in a circuit switch (fig.3 element SW1), the interface is configured to be coupled to a link (Fig.3), the circuit switch is configured to store a table (col.5, lines 1-20, each switch has a table with its port identifier and the neighboring ports identifier).

Suzuki discloses all the limitations of the claimed invention with the exception that the table comprises an entry indicating a function of the link, and an entry indicating a predetermined number of contiguous frames that may be transmitted over the link. However, Examiner takes official notice that it is well

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known and preferred in the art (see Cisco systems) to have table that comprises administrative distance (AD) and metrics (M), wherein AD indicate the the functionality of the link and M indicate the delay, bandwidth or cost associated with the link. Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to employ AD/M for the purpose of making the best routing decisions.

Furthermore, Suzuki lacks assigning index number to an interface automatically. However, Ceccon, from the same field of endeavor, teaches a method of automatically assigning identifier/address to newly introduced network interfaces (see abstract and col.10, lines 34-49). Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to assign identifiers/tags/addresses to newly introduce interfaces, as taught by Ceccon, for the purpose of expanding the network and keeping the network organized.

Regarding claim 14. Suzuki discloses the act of transmitting the interface identifier on all enabled interfaces in the circuit switch (col.5, lines 1-20).

Regarding claim 16. Suzuki discloses another network element in the network configured to store the identifier in another table (col.5, lines 1-20).

Regarding claims 28 and 29, Suzuki discloses an additional interface configured to be coupled to another link (SW3), the circuit switch is configured to store another table (col.5, lines 1-20).

Suzuki discloses all the limitations of the claimed invention with the exception that the table comprises an entry indicating a function of the link, and

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an entry indicating a predetermined number of contiguous frames that may be transmitted over the link. However, Examiner takes official notice that it is well known and preferred in the art (see Cisco systems) to have table that comprises administrative distance (AD) and metrics (M), wherein AD indicate the indicate the functionality of the link and M indicate the delay, bandwidth or cost associated with the link. Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to employ AD/M for the purpose of making the best routing decisions.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Ceccon and further in view of Kremer (US 5,406,401).

Suzuki in view of Nishimura discloses all the limitations of the claimed invention with the exception that the interfaces conform to protocol selected from a group consisting of SONET or SDH and that the link is fiber optic. However, Kremer, from the same field of endeavor, discloses multiple interfaces conforming to a protocol selected from a group consisting of SONET, which uses fiber optic as links, (Fig.2). Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to implement the method of having the interfaces compliant with SONET, as taught by Kremer, for the purpose of providing higher rate of transmission, interference immunity and noise immunity.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki.

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Regarding claim 17. Suzuki discloses a network that comprises a first circuit switch having a first interface (Fig.3, SW1), the first interface having assigned thereto a first identifier (col.5, lines 1-20. Each switch assigns an identifier for each port); a second circuit switch having a second interface (SW2), the second interface having assigned thereto a second identifier (col.5, lines 1-20. Each switch assigns an identifier for each port); a plurality of memory locations in the first circuit switch containing a first table, the first table including each of the first identifier and the second identifier (col.5, lines 1-20, each switch has a table with its port identifier and the neighboring ports identifiers); a plurality of memory locations in the second circuit switch containing a second table, the second table including each of the first identifier and the second identifier (col.5, lines 1-20, each switch has a table with its port identifier and the neighboring ports identifiers); and a link coupling the first interface to the second interface (the link between SW1 and SW2).

Suzuki discloses all the limitations of the claimed invention with the exception that the table comprises an entry indicating a function of the link, and an entry indicating a predetermined number of contiguous frames that may be transmitted over the link. However, Examiner takes official notice that it is well known and preferred in the art (see Cisco systems) to have table that comprises administrative distance (AD) and metrics (M), wherein AD indicate the functionally of the link and M indicate the delay, bandwidth or cost associated with the link. Thus, it would have been obvious to a person of ordinary skill in the

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art at the time of the invention to employ AD/M for the purpose of making the best routing decisions.

7. Claims 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Kremer (US 5,406,401).

Suzuki in view of Nishimura discloses all the limitations of the claimed invention with the exception that the interfaces conform to protocol selected from a group consisting of SONET or SDH and that the link is fiber optic. However, Kremer, from the same field of endeavor, discloses multiple interfaces conforming to a protocol selected from a group consisting of SONET, which uses fiber optic as links, (Fig.2). Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to implement the method of having the interfaces compliant with SONET, as taught by Kremer, for the purpose of providing higher rate of transmission, interference immunity and noise immunity.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO\_892.

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all



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or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

When responding to this office action, applicants are advised to clearly point out the patentable novelty which they think the claims present in view of the state of the art disclosed by the references cited or the objections made.

Applicants must also show how the amendments avoid such references or objections. See 37C.F.R 1.111(c). In addition, applicants are advised to provide the examiner with the line numbers and pages numbers in the application and/or references cited to assist examiner in locating the appropriate paragraphs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOUNIR MOUTAOUAKIL whose telephone number is (571)270-1416. The examiner can normally be reached on Monday-Thursday (1pm-4: 30pm) Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. M./  
Examiner, Art Unit 2419

/Hassan Kizou/  
Supervisory Patent Examiner, Art Unit 2419